

1887-034 Chancery Causes: William P. Miller vs. Charles L. Hamblin &
Lee Co.

Hubbard, Baily, Bailey

CA-Debt
T-Property

To the Honorable John A. Kelly Judge of the
Circuit Court of Lee County
^{who sues for himself and all other creditors}
Your orator Wm C. Miller, humbly complaining
sheweth unto your Honor, that heretofore to wit
on the 9th day of March 1860, your orator obtained
an injunction, against one Eli Hubbard, and his
trustee, to inhibit and restrain, them from selling, a certain
tract of land, conveyed, to said John D. Sharp trustee
to secure the payment of \$600. there set out - This
case was proceed in for several years, and
finally was taken to the district court of appeals
while that tribunal was acting under law, and
in that court your orator obtained a reversal, of
said case, and his costs therein expended; and
the said case was set back to this Honorable court
for final adjudication, and after various proceedings
was at the August term 1875 finally disposed of by
a decree therein rendered, a copy of each of the
decretal orders, giving to your orator his costs
in the district court and in this court, will be
found, herewith filed marked A and B respectfully
and is prayed to be considered as a part hereof.

Your orator alleges that his costs in the district
court of appeals amounted to the sum of \$21. . of
which ample proof will hereafter be made; He al-
leges that his costs in this Honorable as ascertained
and taxed by the clerk of this court, under its last
and final decree therein, amount to the sum of \$54. 58.
that neither of said sums of cost or any part thereof
has ever been paid to your orator, but that the same
is still due him.

While said suit was pending to wit on the day of
1866, the said Eli Hubbard departed this life, but

before doing so he made, and published his last will and testament, by which his property was devised to Caroline Hubbard, Polly Hubbard, and Eli Hubbard Jr. the last of whom is an infant - Charles L. Hamblin, was on the day of 187 while sheriff said County appointed the administrator of the estate of said Eli Hubbard died with will annexed. The said Hamblin has not as yet had any personal estate with which to pay debts and there is nothing to come into his hands.

The said Eli Hubbard owned at the time of his death a valuable farm situated in this county on the waters of Trading Creek, in the Poor Valley, known as the "Sulphur Springs" and which under his will descended, to the said Polly Caroline and Eli Hubbard, the rents and profits of which will if there are no other debts pay your orators claim in five years. Though your orator alleges that there are other debts one of which, he has learned to wit one due John D. Sharp, and your orator files this bill upon his own behalf and that of all others who will come in and contribute their part of expenses. The said Polly and Caroline, have sold their interest to one John W. Bailey, who now owns and occupies the same the said Polly & Caroline have removed from this Commonwealth, but the said John W. Bailey owes them each the sum of about \$200, the said Eli still owns his share. The object of this bill is to convert the credits of said Eli Hubbard deceased, and to have an account of the debts due from the said Hubbard ascertained, and the amount in the said Hamblin hands also ascertained and his account taken and

settled, and a decree rendered in favor of your
petitioner for the amount of his claim and all other
creditors, justly due, and that said John W. Bailey
be decreed to pay out of his hands the due proportion
of Pally and Caroline Hubbard in his hands that the
lands of Eli Hubbard be held for his due proportion
that the said Hamblin answer and disclose all the
effects in his hands - and in the event there re-
serves find them that said Eli Hubbard's lands
which descended under the will of his father
be held liable therefor, that a guardian ad litem
be appointed to answer and defend the said infants
interest - that said land be rented a sufficient time
to pay the same - and for all other further and general
relief his prayer therefore is that Pally
Hubbard Caroline Hubbard Eli Hubbard John
W. Bailey and E. L. Hamblin ~~be~~ as one of the
estate of Eli Hubbard decreed be made
further defendants to this bill and that the said
answer its allegations on oath and a guardian
ad litem be appointed to answer and defend for
the infant, and for all other further and general
relief they desire &c.

Hazens & Pridemore

B. 5.88 to Aug 179
 A 15.00
 S 1.00
 C. L. 5.00
 26.08
 1.00
 27.08
 1.10 to Jan 179
 1.48 to Jan 1881

28.18

54.55

82.73

7

579.11

72.89

20.54

271.6

31.65

12

140

913.0

80.0

35.65

42.75

25.50

35.65

42.75

39.15

168.2

21.50

10.00

65.42

65.42

39.58

H.P.
 Wm P. Miller

Bill Ch

C. L. Hamblin

1875. Oct Bill filed Sha Direct
 in C. L. Hamblin Adm
 John W Bailey & Deere Nisi.
 100 Deere Nisi vs same Coups
 & Coups
 Deere Continued
 1876. Aug

1876. 100 Aus of Mary & Caroline
 & Hubbard & David
 Miller C. A. L. filed &
 Continued.

1877. Mr. Aug & 100 Coups.
 1878. Mr. Aug & 100 Coups.
 1879. Mr. Aug & 100 Coups.
 1880. Mr. Aug & 100 Coups.
 1881. Mr. and Coups, Aug cont'd
 1882 Mr. Aug & 100 Coups
 1883 Mr Aug & 100 Coups
 1884 Cont'd this year
 1885 - Cont'd this year
 1886. Cont'd, 1887. Cont'd, 1888. Cont'd
 1889. Apr. Cont'd, Sept order final

To the Honorable John A. Kelly Judge of the
Circuit Court of Lee County:

The answer of Eli Hubbard Junior infant heir
and Son of Eli Hubbard Sr. ^{decd} to the bill filed
against him and others by William T. Miller
by David Miller his Guardian ad litem and
for answer thereto Says that he is an infant
of about 12 or 15 years of age and of his
own knowledge knows nothing of the facts
and allegations contained in the same and
he therefore neither admits nor denies the said
bill but the Courts of Chancery being the
peculiar Guardians of the rights and
interests of infants, ~~has~~ asks that the Com-
plainants be required to prove the allegations
of his bill by strict proof and that he
be required to proceed in this cause ac-
cording to the strict rules of equity and
justice and he further asks the protection
of the Court in all things that affects
his rights and interests in the premises
and having answered as fully as he
is advised it is material for him to answer
he prays to be dismissed with his Costs.

Eli Hubbard Jr.

By David Miller his
Guardian ad litem,

Virginia Lee County to wit:

This day David Miller personally appeared before me the undersigned Clerk of the County and Circuit Court of Lee County and made oath that the foregoing answer is true to the best of his knowledge information and belief. This the 6th day of December 1876.
James W Orr. Clerk.

David Miller,

Answer of
Defendant
at return

Adm. do. Henderson
& others

1876 Jan. 1st
of the Court.

James W Orr. Clerk.

of the Guardian ad
litem \$3.00

Aug Term of Circuit Court 1875.

Wm. J. Miller

vs.

C. L. Hamblow admr.
of Eli Hubbard decd.

a Copy from the
Chancery Circuit Court
Execution Book.

Decree for Costs Late Clerk \$10.50 Clk .92
Clk. 6.00 A. 15.00 S. 8.20 W 1.90 Comm & 11.13
Const .90

\$10.50

6.92

15.00

8.20

1.90

11.13

90

54.55

Wm. P. Miller

vs.

} Copy from
Chy execution
Book

of Hubbards admr.

The Commonwealth of Virginia:

To The Sheriff of Lee County:—Greeting,

WE COMMAND YOU TO SUMMON *Polly Hubbard, Caroline Hubbard*
Eli Hubbard, John W Bailey & C. L. Hamblen heirs of
Ely Hubbards Est

to appear before the Judge of the *circuit* Court of Lee County, at the Court-house, in the
Clerk's Office, *at October* Rules next, to answer a bill in chancery, ex-
hibited in our said Court against *them by Wm P Miller*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the
Court-house, this *1st* day *October*, 1875, in the *100th* year of the Commonwealth,

James W Orr, Clerk.

Wm J Miller ^{LHP}

vs { Spa in Chancery

Polly Hubbard et als

October Rules 1875.

Executed on G. L. Hamilton.
Admr &c. & John W Bailey.

Thos S Ely. S.L.C.

20

50

18

15

15

10

1.50 Lax

75

15

25

36

36

40

\$ 5.08

1.50 Rules

\$ 6.08